157.06 **(9)** (a) 2. The spouse or state-registered domestic partner under s. 770.05 of the individual.

SECTION 106. 224.77 (1) (o) of the statutes is amended to read:

224.77 **(1)** (o) In the course of practice as a mortgage banker, loan originator, or mortgage broker, except in relation to housing designed to meet the needs of elderly individuals, treated a person unequally solely because of sex, race, color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national origin, age, or ancestry, the person's lawful source of income, or the sex or marital or domestic partnership status, as defined in s. 111.32 (12), of the person maintaining a household.

SECTION 107. 243.10 (1) (form) of the statutes is amended to read:

243.10 **(1)** (form)

WISCONSIN BASIC POWER OF ATTORNEY

FOR FINANCES AND PROPERTY

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE

1 NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER
2 YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT
3 PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE
4 MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN
5 COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS
6 ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU
7 SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU
8 SIGN IT.

9 IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR
10 FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT
11 AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME
12 BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN
13 YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT
14 EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU
15 REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY
16 OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU
17 ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS.
18 THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU
19 ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR
20 SPOUSE <u>OR STATE-REGISTERED DOMESTIC PARTNER</u> AND YOUR
21 MARRIAGE IS ANNULLED, ~~OR~~ YOU ARE DIVORCED<u>, OR THE</u>
22 <u>STATE-REGISTERED DOMESTIC PARTNERSHIP IS TERMINATED</u> AFTER
23 SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

24 SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT
25 PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN

ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE IMPOSED.

YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

I .... (insert your name and address) appoint .... (insert the name and address of the person appointed) as my agent to act for me in any lawful way with respect to the powers initialed below. If the person appointed is unable or unwilling to act as my agent, I appoint .... (insert name and address of alternate person appointed) to act for me in any lawful way with respect to the powers initialed below.

TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

HANDLING MY MONEY AND PROPERTY

Initials

_____ 1. *PAYMENTS OF BILLS:* My agent may make payments that are necessary or appropriate in connection with the administration of my affairs.

_____ 2. *BANKING:* My agent may conduct business with financial institutions, including endorsing all checks and drafts made payable to my order and collecting the proceeds; signing in my name checks or orders on all accounts in my name or for my benefit; withdrawing funds from accounts in my name; opening accounts in my name; and entering into and removing articles from my safe deposit box.

1 _____ 3. *INSURANCE:* My agent may obtain insurance of all types, as
2 considered necessary or appropriate, settle and adjust insurance claims and borrow
3 from insurers and 3rd parties using insurance policies as collateral.
4 _____ 4. *ACCOUNTS:* My agent may ask for, collect and receive money,
5 dividends, interest, legacies and property due or that may become due and owing to
6 me and give receipt for those payments.
7 _____ 5. *REAL ESTATE:* My agent may manage real property; sell, convey and
8 mortgage realty for prices and on terms as considered advisable; foreclose mortgages
9 and take title to property in my name; and execute deeds, mortgages, releases,
10 satisfactions and other instruments relating to realty.
11 _____ 6. *BORROWING:* My agent may borrow money and encumber my assets
12 for loans as considered necessary.
13 _____ 7. *SECURITIES:* My agent may buy, sell, pledge and exchange securities
14 of all kinds in my name; sign and deliver in my name transfers and assignments of
15 securities; and consent in my name to reorganizations, mergers or exchange of
16 securities for new securities.
17 _____ 8. *INCOME TAXES:* My agent may make and sign tax returns; represent
18 me in all income tax matters before any federal, state, or local tax collecting agency;
19 and receive confidential information and perform any acts that I may perform,
20 including receiving refund checks and the signing of returns.
21 _____ 9. *TRUSTS:* My agent may transfer at any time any of my property to
22 a living trust that has been established by me before the execution of this document.
23 **PROFESSIONAL AND TECHNICAL ASSISTANCE**
24 *Initials*

1 _____ 10. *LEGAL ACTIONS:* My agent may retain attorneys on my behalf;
2 appear for me in all actions and proceedings to which I may be a party; commence
3 actions and proceedings in my name; and sign in my name all documents or pleadings
4 of every description.

5 _____ 11. *PROFESSIONAL ASSISTANCE:* My agent may hire accountants,
6 attorneys, clerks, workers and others for the management, preservation and
7 protection of my property and estate.

8 **GENERAL AUTHORITY**

9 *Initials*

10 _____ 12. *GENERAL:* My agent may do any act or thing that I could do in my
11 own proper person if personally present, including managing or selling tangible
12 assets, disclaiming a probate or nonprobate inheritance and providing support for
13 a minor child or dependent adult. The specifically enumerated powers of the basic
14 power of attorney for finances and property are not a limitation of this intended
15 broad general power except that my agent may not take any action prohibited by law
16 and my agent under this document may not:

17 a. Make medical or health care decisions for me.

18 b. Make, modify or revoke a will for me.

19 c. Other than a burial trust agreement under section 445.125, Wisconsin
20 Statutes, enter into a trust agreement on my behalf or amend or revoke a trust
21 agreement, entered into by me.

22 d. Change any beneficiary designation of any life insurance policy, qualified
23 retirement plan, individual retirement account or payable on death account or the
24 like whether directly or by canceling and replacing the policy or rollover to another
25 plan or account.

1 e. Forgive debts owed to me or disclaim or waive benefits payable to me, except
2 a probate or nonprobate inheritance.
3 f. Appoint a substitute or successor agent for me.
4 g. Make gifts.

5 **COMPENSATION TO AGENT FROM**
6 **PRINCIPAL'S FUNDS**

7 *Initials*
8 _____ 13. *COMPENSATION.* My agent may receive compensation only in an
9 amount not greater than that usual for the services to be performed if expressly
10 authorized in the special instructions portion of this document.

11 **ACCOUNTING**

12 *Initials*
13 _____ 14. *ACCOUNTING.* My agent shall render an accounting (monthly)
14 (quarterly) (annually) (CIRCLE ONE) to me or to .... (insert name and address)
15 during my lifetime and a final accounting to the personal representative of my estate,
16 if any is appointed, after my death.

17 **NOMINATION OF GUARDIAN**

18 *Initials*
19 _____ 15. *GUARDIAN:* If necessary, I nominate .... (name) of .... (address) as
20 guardian of my person and I nominate .... (name) of .... (address) as guardian of my
21 estate.

22 **SPECIAL INSTRUCTIONS**

23 *Initials*
24 _____ 16. *SPECIAL INSTRUCTIONS:*

1 ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS
2 REGARDING THE POWERS GRANTED TO YOUR AGENT.
3 .....
4 .....
5 .....
6 .....
7 .....
8 .....
9 .....
10 .....
11 .....
12 TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF
13 ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST
14 INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT
15 INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF
16 ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.
17 *Initials*
18 _____ This basic power of attorney for finances and property becomes effective
19 when I sign it and will continue in effect as a durable power of attorney under section
20 243.07, Wisconsin Statutes, if I become disabled or incapacitated.
21 _____ This basic power of attorney for finances and property becomes effective
22 only when both of the following apply:
23 a. I have signed it; and
24 b. I become disabled or incapacitated.

1 _____ This basic power of attorney for finances and property becomes effective
2 when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED
3 OR INCAPACITATED.
4 I agree that any 3rd party who receives a copy of this document may act under
5 it. Revocation of this basic power of attorney is not effective as to a 3rd party until
6 the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss
7 resulting from claims that arise against the 3rd party because of reliance on this
8 basic power of attorney.
9 Signed this .... day of ...., (year)
10 ....
11 (Your Signature)
12
13 ....
14 (Your Social Security Number)
15 By signing as a witness, I am acknowledging the signature of the principal who
16 signed in my presence and the presence of the other witness, and the fact that he or
17 she has stated that this power of attorney reflects his or her wishes and is being
18 executed voluntarily. I believe him or her to be of sound mind and capable of creating
19 this power of attorney. I am not related to him or her by blood, marriage or adoption,
20 and, to the best of my knowledge, I am not entitled to any portion of his or her estate
21 under his or her will.

22 **Witness**	**Witness**
23 Dated:	Dated: ....
24 Signature:	Signature: ....
25 Print Name:	Print Name: ....

1 Address: .... Address: ....

2 State of ....

3 County of ....

4 This document was acknowledged before me on .... (date) by .... (name of
5 principal).

6

7 ....

8 (Signature of Notarial Officer)

9 (Seal, if any)

10 (Title)

11 [My commission is permanent or expires: ....]

12 BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT
13 ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND
14 LIABILITIES OF AN AGENT.

15 ....

16 (Name of Agent)

17

18 ....

19 (Signature of Agent)

20 This document was drafted by .... (signature of person preparing the
21 document).

22 **SECTION 108.** 243.10 (7) (b) of the statutes is amended to read:

23 243.10 **(7)** (b) A principal may revoke a Wisconsin basic power of attorney for
24 finances and property and invalidate it at any time by destroying it, by directing
25 another person to destroy it in the principal's presence or by signing a written and

1 dated statement expressing the principal's intent to revoke. If the agent under the
2 Wisconsin basic power of attorney for finances and property is the principal's spouse
3 and the marriage is annulled, or the agent and principal are divorced, or the agent
4 is the principal's state-registered domestic partner under s. 770.05 and the domestic
5 partnership is terminated under s. 770.10, after signing the document, the
6 Wisconsin basic power of attorney for finances and property is invalid.

7 **SECTION 109.** 252.16 (1) (ar) of the statutes is amended to read:

8 252.16 **(1)** (ar) "Dependent" means a spouse or state-registered domestic
9 partner under s. 770.05, an unmarried child under the age of 19 years, an unmarried
10 child who is a full-time student under the age of 21 years and who is financially
11 dependent upon the parent, or an unmarried child of any age who is medically
12 certified as disabled and who is dependent upon the parent.

13 **SECTION 110.** 252.17 (3) (d) of the statutes is amended to read:

14 252.17 **(3)** (d) Is covered under a group health plan through his or her
15 employment and pays part or all of the premium for that coverage, including any
16 premium for coverage of the individual's spouse or state-registered domestic partner
17 under s. 770.05 and dependents.

18 **SECTION 111.** 252.17 (4) (a) of the statutes is amended to read:

19 252.17 **(4)** (a) Except as provided in pars. (b), (c), and (d), if an individual
20 satisfies sub. (3), the department shall pay the amount of each premium payment for
21 coverage under the group health plan under sub. (3) (d) that is due from the
22 individual on or after the date on which the individual becomes eligible for a subsidy
23 under sub. (3). The department may not refuse to pay the full amount of the
24 individual's contribution to each premium payment because the coverage that is
25 provided to the individual who satisfies sub. (3) includes coverage of the individual's

1 spouse or state-registered domestic partner under s. 770.05 and dependents. Except
2 as provided in par. (b), the department shall terminate the payments under this
3 section when the individual's unpaid medical leave ends, when the individual no
4 longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical
5 leave began, whichever occurs first.

6 **SECTION 112.** 252.17 (4) (d) of the statutes is amended to read:

7 252.17 **(4)** (d) For an individual who satisfies sub. (3) and who has a family
8 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed
9 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the
10 size of the individual's family, the department shall pay a portion of the amount of
11 each premium payment for the individual's coverage under the group health plan
12 under sub. (3) (d). The portion that the department pays shall be determined
13 according to a schedule established by the department by rule under sub. (6) (c). The
14 department shall pay the portion of the premium determined according to the
15 schedule regardless of whether the individual's coverage under the group health
16 plan under sub. (3) (d) includes coverage of the individual's spouse or
17 state-registered domestic partner under s. 770.05 and dependents.

18 **SECTION 113.** 301.046 (4) (a) 1. of the statutes is amended to read:

19 301.046 **(4)** (a) 1. "Member of the family" means spouse, state-registered
20 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

21 **SECTION 114.** 301.048 (4m) (a) 1. of the statutes is amended to read:

22 301.048 **(4m)** (a) 1. "Member of the family" means spouse, state-registered
23 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

24 **SECTION 115.** 301.38 (1) (a) of the statutes is amended to read:

301.38 **(1)** (a) "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 116. 301.46 (3) (a) 1. of the statutes is amended to read:

301.46 **(3)** (a) 1. "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, parent, sibling or legal guardian.

SECTION 117. 302.105 (1) (a) of the statutes is amended to read:

302.105 **(1)** (a) "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 118. 304.06 (1) (a) 1. of the statutes is amended to read:

304.06 **(1)** (a) 1. "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 119. 304.09 (1) (a) of the statutes is amended to read:

304.09 **(1)** (a) "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 120. 321.62 (11) (a) of the statutes is amended to read:

321.62 **(11)** (a) No eviction may be made during the period of state active duty in respect to any premises for which the agreed rent does not exceed the amount specified in 50 USC App. 531, occupied chiefly for dwelling purposes by the spouse, children, state-registered domestic partner under s. 770.05, or other dependents of a service member who is in state active duty, except upon order of a court in an action affecting the right of possession.

SECTION 121. 342.14 (3m) of the statutes is amended to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental title fee of $7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a

vehicle to his or her surviving spouse or state-registered domestic partner under s. 770.05. The fee specified under this subsection is in addition to any other fee specified in this section. This subsection does not apply to an application for a certificate of title for a neighborhood electric vehicle.

SECTION 122. 342.17 (4) (b) 1. (intro.) and c. and 4. of the statutes are amended to read:

342.17 **(4)** (b) 1. (intro.) The department shall transfer the decedent's interest in any vehicle to his or her surviving spouse or state-registered domestic partner under s. 770.05 upon receipt of the title executed by the surviving spouse or domestic partner and a statement by the spouse or domestic partner which shall state:

c. That the spouse or domestic partner is personally liable for the decedent's debts and charges to the extent of the value of the vehicle, subject to s. 859.25.

4. The limit in subd. 3. does not apply if the surviving spouse or domestic partner is proceeding under s. 867.03 (1g) and the total value of the decedent's property subject to administration in the state, including the vehicles transferred under this paragraph, does not exceed $50,000.

SECTION 123. 452.14 (3) (n) of the statutes is amended to read:

452.14 **(3)** (n) Treated any person unequally solely because of sex, race, color, ~~handicap,~~ disability, national origin, ancestry, marital or domestic partnership status, or lawful source of income.

SECTION 124. 614.10 (2) (c) 3. of the statutes is amended to read:

614.10 **(2)** (c) 3. Notwithstanding s. 614.01 (1) (a) 2., on the application of an employee specified in subd. 2., provide insurance benefits to the employee's spouse or state-registered domestic partner under s. 770.05 or a child of the employee who receives financial services or support from the employee.

1 **SECTION 125.** 632.35 of the statutes is amended to read:

2 **632.35 Prohibited rejection, cancellation and nonrenewal.** No insurer
3 may cancel or refuse to issue or renew an automobile insurance policy wholly or
4 partially because of ~~one or more of the following characteristics of any person:~~ a
5 person's age, sex, residence, race, color, creed, religion, national origin, ancestry,
6 marital or domestic partnership status, or occupation.

7 **SECTION 126.** 700.19 (2m) of the statutes is created to read:

8 700.19 **(2m)** DOMESTIC PARTNERS. If persons named as owners in a document
9 of title, transferees in an instrument of transfer, or buyers in a bill of sale are
10 described in the document, instrument, or bill of sale as state-registered domestic
11 partners under s. 770.05, or are in fact state-registered domestic partners under s.
12 770.05, they are joint tenants, unless the intent to create a tenancy in common is
13 expressed in the document, instrument, or bill of sale.

14 **SECTION 127.** 756.001 (3) of the statutes is amended to read:

15 756.001 **(3)** No person who is qualified and able to serve as a juror may be
16 excluded from that service in any court of this state on the basis of sex, race, color,
17 sexual orientation, as defined in s. 111.32 (13m), disability, religion, national origin,
18 marital or domestic partnership status, as defined in s. 111.32 (12), family status,
19 lawful source of income, age, or ancestry or because of a physical condition.

20 **SECTION 128.** Chapter 770 of the statutes is created to read:

21 **CHAPTER 770**

22 **DOMESTIC PARTNERSHIP REGISTRY**

23 **770.01 Definitions.** In this chapter:

24 **(1)** "Domestic partner" means a state-registered domestic partner.

25 **(2)** "Secretary" means the secretary of state.

770.05 Criteria for entering into a state-registered domestic partnership. Two individuals may enter into a state-registered domestic partnership if they satisfy all of the following criteria:

(1) Each individual is at least 18 years old and capable of consenting to the domestic partnership.

(2) Neither individual is married to, or in a state-registered domestic partnership with, another individual.

(3) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

(a) Only one of the individuals has legal ownership of the residence.

(b) One or both of the individuals have one or more additional residences not shared with the other individual.

(c) One of the individuals leaves the common residence with the intent to return.

(4) The 2 individuals are not nearer of kin to each other than 2nd cousins, whether of the whole or half blood or by adoption.

(5) The individuals are members of the same or opposite sex.

770.07 Procedure for entering into a state-registered domestic partnership. (1) FILE DECLARATION. Two individuals who meet the criteria under s. 770.05 may enter into a state-registered domestic partnership by filing a completed declaration of state-registered domestic partnership form with the secretary and paying the filing fee established under s. 770.18 (3) (a). The declaration shall contain the social security number of each individual who has a social security number and must be signed by both individuals and notarized. In

1 addition, each individual shall present to the secretary satisfactory, documentary
2 proof of identification and residence.

3 **(2)** SECRETARY ISSUE CERTIFICATE. Upon receiving the documentary proof
4 required under sub. (1), a completed, signed, and notarized declaration of
5 state-registered domestic partnership, and the filing fee established under s. 770.18
6 (3) (a), the secretary shall register the declaration, as provided under s. 770.18 (1),
7 and issue to each individual named on the declaration a certificate of
8 state-registered domestic partnership.

9 **770.10 Terminating a state-registered domestic partnership. (1)** FILE
10 NOTICE OF TERMINATION; AFFIDAVIT. (a) A party to a state-registered domestic
11 partnership may terminate the state-registered domestic partnership by filing a
12 completed notice of termination of state-registered domestic partnership form with
13 the secretary and paying the filing fee established under s. 770.18 (3) (a). The notice
14 must be signed by one or both domestic partners and notarized.

15 (b) If the notice under par. (a) is signed by only one of the domestic partners,
16 that individual must also file with the secretary an affidavit stating either of the
17 following:

18 1. That the other domestic partner has been served in writing, in the manner
19 provided under s. 801.11, that a notice of termination of state-registered domestic
20 partnership is being filed with the secretary.

21 2. That the domestic partner seeking termination has been unable to locate the
22 other domestic partner after making reasonable efforts and that notice to the other
23 domestic partner has been made by publication as provided in sub. (2).

24 **(2)** PUBLISH NOTICE. If a domestic partner who is seeking to terminate the
25 state-registered domestic partnership is unable to find the other domestic partner

after making reasonable efforts, the domestic partner seeking termination may provide notice by publication in a newspaper of general circulation in the county in which the residence most recently shared by the domestic partners is located. The notice need not be published more than one time.

(3) SECRETARY ISSUES CERTIFICATE. Upon receiving a completed, signed, and notarized notice of termination of state-registered domestic partnership, the affidavit under sub. (1) (b) if required, and the filing fee established under s. 770.18 (3) (a), the secretary shall register the notice of termination of state-registered domestic partnership, as provided under s. 770.18 (1), and issue to each domestic partner a certificate of termination of state-registered domestic partnership.

(4) WHEN TERMINATION EFFECTIVE. (a) Except as provided in par. (b), the termination of a state-registered domestic partnership is effective 90 days after the notice of termination of state-registered domestic partnership or notice of termination of state-registered domestic partnership and affidavit are filed under sub. (1).

(b) If a party to a state-registered domestic partnership enters into a marriage that is recognized as valid in this state, the state-registered domestic partnership is automatically terminated on the date of the marriage.

770.15 Forms for declaration and notice of termination. (1) PREPARATION. The secretary shall prepare forms entitled "declaration of state-registered domestic partnership" and "notice of termination of state-registered domestic partnership" and any other forms that are necessary to meet the requirements of this chapter.

(2) DISTRIBUTION. The secretary shall distribute the forms under this section to each county clerk. The forms shall be available to the public at the office of the

1 secretary, at any county clerk's office, and on the Internet at a site maintained by the
2 secretary.

3 **770.18 State domestic partnership registry; fees. (1)** REGISTRATION OF
4 DECLARATIONS AND NOTICES OF TERMINATION. The state domestic partnership registry
5 is created in the office of the secretary. The secretary shall register and permanently
6 maintain in the state domestic partnership registry all of the following documents
7 or records of all of the following documents:

8 (a) Declarations of state-registered domestic partnership filed with the
9 secretary under s. 770.07 (1).

10 (b) Certificates of state-registered domestic partnership issued by the
11 secretary under s. 770.07 (2).

12 (c) Notices of termination of state-registered domestic partnership and
13 affidavits filed with the secretary under s. 770.10 (1).

14 (d) Certificates of termination of state-registered domestic partnership issued
15 by the secretary under s. 770.10 (3).

16 **(2)** COPIES TO STATE REGISTRAR. The secretary shall provide the state registrar
17 of vital statistics with copies of declarations of state-registered domestic partnership
18 filed with the secretary under s. 770.07 (1) and with copies of notices of termination
19 of state-registered domestic partnership and affidavits filed with the secretary
20 under s. 770.10 (1).

21 **(3)** SETTING FEES; RULES. (a) The secretary shall set, by rule, reasonable fees
22 for filing a declaration of state-registered domestic partnership and for filing a notice
23 of termination of state-registered domestic partnership. The fees shall be calculated
24 to cover the secretary's costs, but no fee may exceed $50. Fees collected under ss.

770.07 and 770.10 shall be credited to the appropriation account under s. 20.575 (1) (g).

(b) The secretary shall promulgate any other rules necessary for the implementation and administration of the state domestic partnership registry.

SECTION 129. 851.08 of the statutes is created to read:

851.08 Domestic partner. "Domestic partner" means a state-registered domestic partner under s. 770.05.

SECTION 130. 851.17 of the statutes is amended to read:

851.17 Net estate. "Net estate" means all property subject to administration less the property selected by the surviving spouse <u>or surviving domestic partner</u> under s. 861.33, the allowances made by the court under ss. 861.31, 861.35 and 861.41 except as those allowances are charged by the court against the intestate share of the recipient, administration, funeral and burial expenses, the amount of claims paid and federal and state estate taxes payable out of such property.

SECTION 131. 851.295 of the statutes is created to read:

851.295 Surviving domestic partner. (1) Subject to sub. (2), "surviving domestic partner" means a person who was in a domestic partnership registered with the secretary of state under s. 770.07 with the decedent, at the time of the decedent's death.

(2) "Surviving domestic partner" does not include any of the following:

(a) An individual who obtains or consents to a termination of domestic partnership from the decedent if the secretary of state fails to issue a valid certificate of termination of domestic partnership under s. 770.10 (3), unless the individual and the decedent subsequently register as domestic partners under s. 770.07 with the secretary of state or they subsequently hold themselves out as domestic partners.

1 (b) An individual whose domestic partnership with the decedent has not been
2 terminated by the secretary of state issuing a valid certificate of termination under
3 s. 770.10 (3) and who subsequently registers a domestic partnership with a 3rd
4 individual with the secretary of state under s. 770.07 or who participates in a
5 marriage ceremony with a 3rd individual.

6 (c) An individual who was party to a valid proceeding concluded by an order
7 purporting to terminate all property rights based on the domestic partnership.

8 **SECTION 132.** 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f)
9 (intro.) of the statutes are amended to read:

10 852.01 **(1)** (a) (intro.) To the spouse <u>or domestic partner</u>:

11 1. If there are no surviving issue of the decedent, or if the surviving issue are
12 all issue of the surviving spouse <u>or surviving domestic partner</u> and the decedent, the
13 entire estate.

14 2. (intro.) If there are surviving issue one or more of whom are not issue of the
15 surviving spouse <u>or surviving domestic partner</u>, one-half of decedent's property
16 other than the following property:

17 b. The decedent's interest in property held equally and exclusively with the
18 surviving spouse <u>or surviving domestic partner</u> as tenants in common.

19 (b) To the issue, per stirpes, the share of the estate not passing to the spouse
20 <u>or surviving domestic partner,</u> under par. (a), or the entire estate if there is no
21 surviving spouse <u>or surviving domestic partner</u>.

22 (c) If there is no surviving spouse<u>, surviving domestic partner,</u> or issue, to the
23 parents.

24 (d) If there is no surviving spouse, <u>surviving domestic partner,</u> issue<u>,</u> or parent,
25 to the brothers and sisters and the issue of any deceased brother or sister per stirpes.

(f) (intro.) If there is no surviving spouse, surviving domestic partner, issue, parent, or issue of a parent, to the grandparents and their issue as follows:

SECTION 133. 852.09 of the statutes is amended to read:

852.09 Assignment of home to surviving spouse or surviving domestic partner. If the intestate estate includes an interest in a home, assignment of that interest to the surviving spouse or surviving domestic partner is governed by s. 861.21.

SECTION 134. 853.11 (2m) and (3) of the statutes are amended to read:

853.11 **(2m)** PREMARITAL OR PREDOMESTIC PARTNERSHIP WILL. Entitlements of a surviving spouse or surviving domestic partner under a decedent's will that was executed before marriage to the surviving spouse or registration of the domestic partnership under s. 770.07 to the surviving domestic partner are governed by s. 853.12.

(3) TRANSFER TO FORMER SPOUSE OR FORMER DOMESTIC PARTNER. A transfer under a will to a former spouse or former domestic partner is governed by s. 854.15.

SECTION 135. 853.12 (title) of the statutes is amended to read:

853.12 (title) **Premarital will or predomestic partnership will.**

SECTION 136. 853.12 (1), (2) (intro.) and (a), (3) (a) and (b) and (4) (a) of the statutes are amended to read:

853.12 **(1)** ENTITLEMENT OF SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. Subject to sub. (3), if the testator married the surviving spouse or registered a domestic partnership under s. 770.07 with the surviving domestic partner after the testator executed his or her will, the surviving spouse or surviving domestic partner is entitled to a share of the probate estate.

1 **(2)** VALUE OF SHARE. (intro.) The value of the share under sub. (1) is the value
2 of the share that the surviving spouse or surviving domestic partner would have
3 received had the testator died with an intestate estate equal to the value of the
4 testator's net estate, but the value of the net estate shall first be reduced by the value
5 of all of the following:
6 (a) All devises to or for the benefit of the testator's children who were born
7 before the marriage to the surviving spouse or the domestic partnership with the
8 surviving domestic partner and who are not also the children of the surviving spouse
9 or surviving domestic partner.
10 **(3)** (a) It appears from the will or other evidence that the will was made in
11 contemplation of the testator's marriage to the surviving spouse or domestic
12 partnership with the surviving domestic partner.
13 (b) It appears from the will or other evidence that the will is intended to be
14 effective notwithstanding any subsequent marriage or domestic partnership, or
15 there is sufficient evidence that the testator considered revising the will after
16 marriage or domestic partnership but decided not to.
17 **(4)** (a) Amounts received by the surviving spouse under s. 861.02 and devises
18 made by will to the surviving spouse or surviving domestic partner are applied first.
19 **SECTION 137.** 859.25 (1) (g) of the statutes is amended to read:
20 859.25 **(1)** (g) Property assigned to the surviving spouse or surviving domestic
21 partner under s. 861.41.
22 **SECTION 138.** 861.21 (title) of the statutes is amended to read:
23 **861.21** (title) **Assignment of home to surviving spouse or surviving**
24 **domestic partner.**
25 **SECTION 139.** 861.21 (1) (b) of the statutes is amended to read:

861.21 **(1)** (b) "Home" means any dwelling in which the decedent had an interest and that at the time of the decedent's death the surviving spouse or surviving domestic partner occupies or intends to occupy. If there are several such dwellings, any one may be designated by the surviving spouse or surviving domestic partner. "Home" includes a house, a mobile home, a manufactured home, a duplex or multiple apartment building one unit of which is occupied by the surviving spouse or surviving domestic partner and a building used in part for a dwelling and in part for commercial or business purposes. "Home" includes all of the surrounding land, unless the court sets off part of the land as severable from the remaining land under sub. (5).

SECTION 140. 861.21 (2), (4) and (5) of the statutes are amended to read:

861.21 **(2)** DECEDENT'S PROPERTY INTEREST IN HOME. Subject to subs. (4) and (5), if a married or domestic partnership decedent has a property interest in a home, the decedent's entire interest in the home shall be assigned to the surviving spouse or surviving domestic partner if the surviving spouse or surviving domestic partner petitions the court requesting such a distribution and if a governing instrument does not provide a specific transfer of the decedent's interest in the home to someone other than the surviving spouse or surviving domestic partner. The surviving spouse or surviving domestic partner shall file the petition within 6 months after the decedent's death, unless the court extends the time for filing.

(4) PAYMENT BY SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. The court shall assign the interest in the home under sub. (2) to the surviving spouse or surviving domestic partner upon payment of the value of the decedent's interest in the home that does not pass to the surviving spouse or surviving domestic partner under intestacy or under a governing instrument. Payment shall be made to the

fiduciary holding title to the interest. The surviving spouse or surviving domestic partner may use assets due him or her from the fiduciary to satisfy all or part of the payment in kind. Unless the court extends the time, the surviving spouse or surviving domestic partner shall have one year from the decedent's death to pay the value of the assigned interest.

(5) SEVERANCE OF HOME FROM SURROUNDING LAND. On petition of the surviving spouse or surviving domestic partner or of any interested person that part of the land is not necessary for dwelling purposes and that it would be inappropriate to assign all of the surrounding land as the home under sub. (2), the court may set off for the home as much of the land as is necessary for a dwelling. In determining how much land should be set off, the court shall take into account the use and marketability of the parcels set off as the home and the remaining land.

SECTION 141. 861.31 (1m), (2) and (4) (intro.) and (b) of the statutes are amended to read:

861.31 **(1m)** The court may, without notice or on such notice as the court directs, order payment by the personal representative or special administrator of an allowance as the court determines necessary or appropriate for the support of the surviving spouse or surviving domestic partner and any minor children of the decedent during the administration of the estate. The court shall consider the size of the probate estate, other resources available for support, the existing standard of living, and any other factors it considers relevant.

(2) The court may order that an allowance be made to the spouse or surviving domestic partner for support of the spouse or surviving domestic partner and any minor children of the decedent, or that separate allowances be made to the spouse or surviving domestic partner and to the minor children of the decedent or their

1 guardian, if any, if the court finds separate allowances advisable. If there is no
2 surviving spouse or surviving domestic partner, the court may order that an
3 allowance be made to the minor children of the decedent or to their guardian, if any.
4 **(4)** (intro.) The court may order that the allowance be charged against income
5 or principal, either as an advance or otherwise, but the court may not order that an
6 allowance for support of minor children of the decedent be charged against the
7 income or principal interest of the surviving spouse or surviving domestic partner.
8 The court may order that the allowance for support of the surviving spouse or
9 surviving domestic partner, not including any allowance for support of minor
10 children of the decedent, be applied in satisfaction of any of the following:
11 (b) Any right of the surviving spouse or surviving domestic partner to elect
12 under s. 861.02.
13 **SECTION 142.** 861.33 (title) of the statutes is amended to read:
14 **861.33** (title) **Selection of personalty by surviving spouse or surviving**
15 **domestic partner.**
16 **SECTION 143.** 861.33 (1) (a) (intro.) and 1. and (b) of the statutes are amended
17 to read:
18 861.33 **(1)** (a) (intro.) Subject to this section, in addition to all allowances and
19 distributions, the surviving spouse or surviving domestic partner may file with the
20 court a written selection of the following personal property, which shall then be
21 transferred to the spouse or domestic partner by the personal representative:
22 1. Wearing apparel and jewelry held for personal use by the decedent or the
23 surviving spouse or surviving domestic partner;
24 (b) The selection in par. (a) may not include items specifically bequeathed
25 except that the surviving spouse or surviving domestic partner may in every case

select the normal household furniture, furnishings, and appliances necessary to maintain the home. For this purpose antiques, family heirlooms, and collections that are specifically bequeathed are not classifiable as normal household furniture or furnishings.

SECTION 144. 861.35 (title) of the statutes is amended to read:

861.35 (title) **Special allowance for support of spouse <u>or domestic partner</u> and support and education of minor children.**

SECTION 145. 861.35 (1m), (2), (3) (a) and (4) of the statutes are amended to read:

861.35 **(1m)** If the decedent is survived by a spouse<u>, domestic partner,</u> or by minor children, the court may order an allowance for the support and education of each minor child until he or she reaches a specified age, not to exceed 18, and for the support of the spouse <u>or domestic partner</u>. This allowance may be made whether the estate is testate or intestate. If the decedent is not survived by a spouse <u>or domestic partner</u>, the court also may allot directly to the minor children household furniture, furnishings, and appliances. The court may not order an allowance under this section if any of the following applies:

(a) The decedent has amply provided for each minor child and for the spouse <u>or domestic partner</u> by the transfer of probate or nonprobate assets, or support and education have been provided for by any other means.

(b) In the case of minor children, the surviving spouse <u>or surviving domestic partner</u> is legally responsible for support and education and has ample means to provide them in addition to his or her own support.

(c) In the case of the surviving spouse <u>or surviving domestic partner</u>, he or she has ample means to provide for his or her support.

(2) The court may set aside property to provide an allowance and may appoint a trustee to administer the property, subject to the continuing jurisdiction of the court. If a child dies or reaches the age of 18, or if at any time the property held by the trustee is no longer required for the support of the spouse or domestic partner or the support and education of the minor child, any remaining property is to be distributed by the trustee as the court orders in accordance with the terms of the decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims of the decedent's estate.

(3) (a) The effect on claims under s. 859.25. The court shall balance the needs of the spouse, domestic partner, or minor children against the nature of the creditors' claims in setting the amount allowed under this section.

(4) The court may order that the allowance to the surviving spouse or surviving domestic partner, not including any allowance for the support and education of minor children, be applied in satisfaction of any of the following:

(a) Any entitlement of the surviving spouse or surviving domestic partner under s. 853.12.

(b) Any right of the surviving spouse or surviving domestic partner to elect under s. 861.02 (1).

SECTION 146. 861.41 of the statutes is amended to read:

861.41 Exemption of property to be assigned to surviving spouse or surviving domestic partner. (1) After the amount of claims against the estate has been ascertained, the surviving spouse or surviving domestic partner may petition the court to set aside as exempt from the claims of creditors under s. 859.25 (1) (h) an amount of property reasonably necessary for the support of the spouse or domestic partner, not to exceed $10,000 in value, if it appears that the assets are

insufficient to pay all claims and allowances and still leave the surviving spouse or surviving domestic partner such an amount of property in addition to selection and allowances.

(2) The court shall grant the petition if it determines that an assignment ahead of creditors is reasonably necessary for the support of the spouse or domestic partner. In determining the necessity and the amount of property to be assigned, the court must take into consideration the availability of a home to the surviving spouse or surviving domestic partner and all other assets and resources available for support.

SECTION 147. 867.01 (1) (b) and (3) (f) of the statutes are amended to read:

867.01 **(1)** (b) Whenever the estate, less the amount of the debts for which any property in the estate is security, does not exceed $50,000 in value and the decedent is survived by a spouse or domestic partner, or one or more minor children or both.

(3) (f) *Order.* If the court is satisfied that the estate may be settled under this section, after 30 days have elapsed since notice to the department of health services under par. (d), if that notice is required, the court shall assign the property to the persons entitled to it. If the estate may be settled under sub. (1) (b), any property not otherwise assigned shall be assigned to the surviving spouse or surviving domestic partner, or minor children or both as an allowance under s. 861.31. The court shall order any person indebted to or holding money or other property of the decedent to pay the indebtedness or deliver the property to the persons found to be entitled to receive it. The court shall order the transfer of interests in real estate, stocks or bonds registered in the name of the decedent, the title of a licensed motor vehicle, or any other form of property. If the decedent immediately prior to death had an estate for life or an interest as a joint tenant in any property in regard to which a certificate of termination in accordance with s. 867.04 has not been issued, the order shall set

1 forth the termination of that life estate or the right of survivorship of any joint
2 tenant. Every tract of real property in which an interest is assigned or terminated
3 or which is security for a debt in which an interest is assigned or terminated shall
4 be specifically described.

5 **SECTION 148.** 867.03 (1g) (intro.) of the statutes is amended to read:

6 867.03 **(1g)** GENERALLY. (intro.) When a decedent leaves property subject to
7 administration in this state which does not exceed $50,000 in value, any heir of the
8 decedent, surviving domestic partner, trustee of a revocable trust created by the
9 decedent, or person who was guardian of the decedent at the time of the decedent's
10 death may collect any money due the decedent, receive the property of the decedent,
11 and have any evidence of interest, obligation to, or right of the decedent transferred
12 to the affiant if the heir, surviving domestic partner, trustee, or guardian provides
13 to the person owing the money, having custody of the property, or acting as registrar
14 or transfer agent of the evidences of interest, obligation to, or right, or, if the property
15 is an interest in or lien on real property, provides to the register of deeds preliminary
16 to the recording required under sub. (2m), proof of prior mailed notice under sub.
17 (1m) if applicable and an affidavit in duplicate showing all of the following:

18 **SECTION 149.** 867.03 (1m) (a) of the statutes is amended to read:

19 867.03 **(1m)** (a) Whenever an heir, surviving domestic partner, trustee, or
20 person who was guardian of the decedent at the time of the decedent's death intends
21 to transfer a decedent's property by affidavit under sub. (1g) and the decedent or the
22 decedent's spouse ever received the family care benefit under s. 46.286, medical
23 assistance under subch. IV of ch. 49, long-term community support services funded
24 under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the heir, surviving domestic
25 partner, trustee, or person who was guardian of the decedent at the time of the

1 decedent's death shall give notice to the department of health services of his or her
2 intent. The notice shall include the information in the affidavit under sub. (1g) and
3 the heir, surviving domestic partner, trustee, or person who was guardian of the
4 decedent at the time of the decedent's death shall give the notice by certified mail,
5 return receipt requested.

6 **SECTION 150.** 867.03 (1m) (b) of the statutes is amended to read:

7 867.03 **(1m)** (b) An heir, surviving domestic partner, trustee, or person who was
8 guardian of the decedent at the time of the decedent's death who files an affidavit
9 under sub. (1g) that states that the decedent or the decedent's spouse received the
10 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
11 long-term community support services funded under s. 46.27 (7), or aid under s.
12 49.68, 49.683, or 49.685 shall attach to the affidavit the proof of mail delivery of the
13 notice required under par. (a) showing a delivery date that is not less than 10 days
14 before the day on which the heir, surviving domestic partner, trustee, or person who
15 was guardian of the decedent at the time of the decedent's death files the affidavit.

16 **SECTION 151.** 867.03 (2) of the statutes is amended to read:

17 867.03 **(2)** RELEASE OF LIABILITY OF TRANSFEROR. Upon the transfer to the heir,
18 surviving domestic partner, trustee, or person who was guardian of the decedent at
19 the time of the decedent's death furnishing the affidavit with an attached proof of
20 mail delivery if required under sub. (1m) (b), the transferor is released to the same
21 extent as if the transfer had been made to the personal representative of the estate
22 of the decedent.

23 **SECTION 152.** 867.03 (2g) of the statutes is amended to read:

24 867.03 **(2g)** OBLIGATION OF AFFIANT. By accepting the decedent's property under
25 this section the heir, surviving domestic partner, trustee, or guardian assumes a duty

to apply the property transferred for the payment of obligations according to priorities established under s. 859.25 and to distribute any balance to those persons designated in the appropriate governing instrument, as defined in s. 854.01, of the decedent or if there is no governing instrument, according to the rules of intestate succession under ch. 852. An heir, surviving domestic partner, or guardian may publish a notice to creditors in the same manner and with the same effect as a trustee under s. 701.065. This subsection does not prohibit any appropriate person from requesting administration of the decedent's estate under s. 856.07 or ch. 865.

SECTION 153. 895.04 (2) and (6) of the statutes are amended to read:

895.04 **(2)** If the deceased leaves surviving a spouse or state-registered domestic partner under s. 770.05, and minor children under 18 years of age with whose support the deceased was legally charged, the court before whom the action is pending, or if no action is pending, any court of record, in recognition of the duty and responsibility of a parent to support minor children, shall determine the amount, if any, to be set aside for the protection of such children after considering the age of such children, the amount involved, the capacity and integrity of the surviving spouse or surviving domestic partner, and any other facts or information it may have or receive, and such amount may be impressed by creation of an appropriate lien in favor of such children or otherwise protected as circumstances may warrant, but such amount shall not be in excess of 50% of the net amount received after deduction of costs of collection. If there are no such surviving minor children, the amount recovered shall belong and be paid to the spouse or domestic partner of the deceased; if no spouse or domestic partner survives, to the deceased's lineal heirs as determined by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any such relative dies before judgment in the action, the relative next in order shall be

entitled to recover for the wrongful death. A surviving nonresident alien spouse or a nonresident alien domestic partner state-registered under s. 770.05 and minor children shall be entitled to the benefits of this section. In cases subject to s. 102.29 this subsection shall apply only to the surviving spouse's or surviving domestic partner's interest in the amount recovered. If the amount allocated to any child under this subsection is less than $10,000, s. 807.10 may be applied. Every settlement in wrongful death cases in which the deceased leaves minor children under 18 years of age shall be void unless approved by a court of record authorized to act hereunder.

(6) Where the wrongful death of a person creates a cause of action in favor of the decedent's estate and also a cause of action in favor of a spouse, state-registered domestic partner under s. 770.05, or relatives as provided in this section, such spouse, domestic partner, or relatives may waive and satisfy the estate's cause of action in connection with or as part of a settlement and discharge of the cause of action of the spouse, domestic partner, or relatives.

SECTION 154. 905.05 (title) of the statutes is amended to read:

905.05 (title) **Husband-wife and domestic partner privilege.**

SECTION 155. 905.05 (1), (2) and (3) (a), (b), (c) and (d) of the statutes are amended to read:

905.05 **(1)** GENERAL RULE OF PRIVILEGE. A person has a privilege to prevent the person's spouse or former spouse or domestic partner or former domestic partner from testifying against the person as to any private communication by one to the other made during their marriage or domestic partnership. As used in this section, "domestic partner" means a state-registered domestic partner under s. 770.05.

1 **(2)** WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the person
2 or by the spouse or domestic partner on the person's behalf. The authority of the
3 spouse or domestic partner to do so is presumed in the absence of evidence to the
4 contrary.

5 **(3)** (a) If both spouses or former spouses or domestic partners or former
6 domestic partners are parties to the action.

7 (b) In proceedings in which one spouse or former spouse or domestic partner
8 or former domestic partner is charged with a crime against the person or property
9 of the other or of a child of either, or with a crime against the person or property of
10 a 3rd person committed in the course of committing a crime against the other.

11 (c) In proceedings in which a spouse or former spouse or domestic partner or
12 former domestic partner is charged with a crime of pandering or prostitution.

13 (d) If one spouse or former spouse or domestic partner or former domestic
14 partner has acted as the agent of the other and the private communication relates
15 to matters within the scope of the agency.

16 **SECTION 156.** 939.46 (2) of the statutes is amended to read:

17 939.46 **(2)** It is no defense to a prosecution of a married person or a person who
18 is a state-registered domestic partner that the alleged crime was committed by
19 command of the spouse or state-registered domestic partner nor is there any
20 presumption of coercion when a crime is committed by a married person or a person
21 who is a state-registered domestic partner in the presence of the spouse or
22 state-registered domestic partner.

23 **SECTION 157.** 940.201 (1) (a) of the statutes is amended to read:

940.201 **(1)** (a) "Family member" means a spouse, state-registered domestic partner, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

SECTION 158. 940.203 (1) (a) of the statutes is amended to read:

940.203 **(1)** (a) "Family member" means a parent, spouse, state-registered domestic partner, sibling, child, stepchild, foster child or treatment foster child.

SECTION 159. 940.205 (1) of the statutes is amended to read:

940.205 **(1)** In this section, "family member" means a parent, spouse, state-registered domestic partner, sibling, child, stepchild, foster child or treatment foster child.

SECTION 160. 940.207 (1) of the statutes is amended to read:

940.207 **(1)** In this section, "family member" means a parent, spouse, state-registered domestic partner, sibling, child, stepchild, foster child or treatment foster child.

SECTION 161. 940.32 (1) (cb) of the statutes is amended to read:

940.32 **(1)** (cb) "Member of a family" means a spouse, state-registered domestic partner, parent, child, sibling, or any other person who is related by blood or adoption to another.

SECTION 162. 940.43 (1) of the statutes is amended to read:

940.43 **(1)** Where the act is accompanied by force or violence or attempted force or violence, upon the witness, or the spouse, state-registered domestic partner, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild of the witness or any person sharing a common domicile with the witness.

SECTION 163. 940.45 (1) of the statutes is amended to read:

940.45 **(1)** Where the act is accompanied by force or violence or attempted force or violence, upon the victim, or the spouse, state-registered domestic partner, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild of the victim or any person sharing a common domicile with the victim.

SECTION 164. 943.011 (1) (a) of the statutes is amended to read:

943.011 **(1)** (a) "Family member" means a spouse, state-registered domestic partner, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

SECTION 165. 943.013 (1) (a) of the statutes is amended to read:

943.013 **(1)** (a) "Family member" means a parent, spouse, state-registered domestic partner, sibling, child, stepchild, foster child or treatment foster child.

SECTION 166. 943.015 (1) of the statutes is amended to read:

943.015 **(1)** In this section, "family member" means a parent, spouse, state-registered domestic partner, sibling, child, stepchild, foster child or treatment foster child.

SECTION 167. 943.017 (2m) (a) 1. of the statutes is amended to read:

943.017 **(2m)** (a) 1. "Family member" means a spouse, state-registered domestic partner, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild.

SECTION 168. 946.47 (3) of the statutes is amended to read:

946.47 **(3)** This section does not apply to the felon, to the felon's spouse or state-registered domestic partner or to a parent, grandparent, child, grandchild, brother or sister of the felon, whether by blood, marriage or adoption.

SECTION 169. 949.01 (2) of the statutes is amended to read:

949.01 **(2)** "Dependent" means any spouse, state-registered domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse or of state-registered domestic partner under s. 770.05, of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death and includes any child of the victim born after the victim's death.

SECTION 170. 949.06 (1m) (a) of the statutes is amended to read:

949.06 **(1m)** (a) In this subsection, "family member" means any spouse, state-registered domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, treatment foster child, brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of state-registered domestic partner under s. 770.05.

SECTION 171. 950.02 (3) of the statutes is amended to read:

950.02 **(3)** "Family member" means spouse, state-registered domestic partner, minor child, adult child, sibling, parent, or legal guardian.

SECTION 172. 968.075 (1) (a) (intro.) of the statutes is amended to read:

968.075 **(1)** (a) (intro.) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or state-registered domestic partner or former spouse or former state-registered domestic partner, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

SECTION 173. 971.17 (4m) (a) 2. of the statutes is amended to read:

971.17 **(4m)** (a) 2. "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 174. 971.17 (6m) (a) 2. of the statutes is amended to read:

971.17 **(6m)** (a) 2. "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 175. 971.37 (1m) (a) 2. of the statutes is amended to read:

971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01, 947.012 or 947.0125 and the conduct constituting the violation involved an act by the adult person against his or her spouse or state-registered domestic partner or former spouse or former state-registered domestic partner, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child.

SECTION 176. 971.37 (1m) (b) of the statutes is amended to read:

971.37 **(1m)** (b) The agreement shall provide that the prosecution will be suspended for a specified period if the person complies with conditions specified in the agreement. The agreement shall be in writing, signed by the district attorney or his or her designee and the person, and shall provide that the person waives his or her right to a speedy trial and that the agreement will toll any applicable civil or criminal statute of limitations during the period of the agreement, and, furthermore, that the person shall file with the district attorney a monthly written report certifying his or her compliance with the conditions specified in the agreement. The district attorney shall provide the spouse or state-registered domestic partner of the accused person and the alleged victim or the parent or guardian of the alleged victim with a copy of the agreement.

SECTION 177. 973.055 (1) (a) 2. of the statutes is amended to read:

973.055 **(1)** (a) 2. The court finds that the conduct constituting the violation under subd. 1. involved an act by the adult person against his or her spouse or state-registered domestic partner or former spouse or former state-registered domestic partner, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child; or

SECTION 178. 980.11 (1) (b) of the statutes is amended to read:

980.11 **(1)** (b) "Member of the family" means spouse, state-registered domestic partner under s. 770.05, child, sibling, parent or legal guardian.

SECTION 9315. Initial applicability; Employee Trust Funds.

(1) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The treatment of section 40.02 (20), (21c), and (21d) of the statutes first applies to coverage under group insurance plans offered by the group insurance board on January 1, 2011.

SECTION 9343. Initial applicability; Revenue.

(1) REAL ESTATE TRANSFER FEE. The treatment of sections 77.25 (8n) of the statutes first applies to conveyances recorded on the effective date of this subsection.

(END)

Kahler, Pam

From: Champagne, Rick
Sent: Friday, February 06, 2009 9:22 AM
To: Frederick, Caitlin - DOA
Cc: Kahler, Pam
Subject: RE: Domestic Partner Registry...

Yes -- "domestic partner" and "domestic partnership" are defined in ch. 40 and apply to wherever those terms are used in ch. 40.

From: Frederick, Caitlin - DOA [mailto:caitlin.frederick@wisconsin.gov]
Sent: Friday, February 06, 2009 9:13 AM
To: Kahler, Pam
Cc: Champagne, Rick; Thornton, Scott - DOA
Subject: Domestic Partner Registry...

I left you a message but thought I'd also follow up with an e-mail.
The Governor would like Representative Pocan's 1492/1 version of the bill included in the budget bill with the Chapter 40 language from 1308/1 added. Also, can you advise whether the language in Chapter 40 currently in 1308/1 regarding the definition of domestic partnership is strong enough to ensure that it is exclusive to rights provided under Chapter 40?

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